

MARTIN H. GLYNN IS LAWFUL GOVERNOR OF NEW YORK SAYS ATTORNEY GENERAL CARMODY

Hands Down Official Opinion on Governorship Controversy to Secretary of State

ASSEMBLY WAS WITHIN ITS RIGHT IN TAKING ACTION

When Governor is Impeached, Says Opinion, Powers Are Automatically Suspended Until He Has Been Acquitted

Albany, N. Y., August 18.—Lieutenant Governor Martin H. Glynn is the lawful chief executive of New York state pending the outcome of impeachment proceedings against Governor Sulzer, according to an official opinion handed down today by Attorney General Carmody.

Mr. Carmody holds that the assembly was within its rights in instituting impeachment proceedings at an extraordinary session.

"When the governor is impeached by the assembly," says the opinion, "all of his powers are automatically suspended until he has been acquitted or the impeachment proceedings dismissed by the court of impeachment. In the meantime the lieutenant governor acts as governor. This is the plain intent of the constitution. Any other construction would nullify its express provision."

COULD PREVENT HIS IMPEACHMENT

With reference to the authority of the assembly to initiate impeachment proceedings, the attorney general said: "It is my opinion that if the assembly was not assembled, either in extraordinary or regular session, it might assemble itself and proceed to the discharge of its power in this regard. Otherwise the governor of the state could prevent the impeachment of himself and his friends in office, for crimes, however great, after the adjournment of the regular session of the legislature, by the simple process of omitting to call the legislature in session."

Neither Governor Sulzer, Lieutenant Governor Glynn or their counsel would discuss the attorney general's opinion tonight.

The activities of the rival gubernatorial camps during the day centered largely on the escape of Harry K. Thaw from Matteawan and the meeting of the public building board to open bids for reconstruction work in the capitol. The bids for capitol construction were opened in Mr. Sulzer's presence by Chester C. Platt, secretary of the board, an opinion having been rendered by the attorney general that such action met legal requirements.

Although one of the points Governor Sulzer has raised respecting the legislation is that it had no right to conduct any business whatever in the absence of a quorum, he was the only member present at this board meeting and conducted the entire proceedings.

EXPECTED MEETING IS NOT HELD

The expected meeting in this connection of Mr. Glynn as acting governor, Senator Wagner as lieutenant governor and Speaker Smith of the assembly, did not occur. Mr. Glynn declined to say whether a date had been appointed for such a meeting, adding that it made little difference, as a considerable time must intervene before contracts can be awarded. During the day he signed several official documents.

The official notices convening the state canal board in session tomorrow refer to Senator Wagner as "acting lieutenant governor." The Glynn partisans were elated at the stand taken by the attorney general, as it is customary for the state department to heed his legal opinions. This tends further to isolate Governor Sulzer from the rest of the state machinery. The policy adopted by Mr. Sulzer of screening his official acts from the public was rigidly adhered to today.

Attorney General Carmody's opinion with reference to the status of the governorship lays down these principles: "After the impeachment of the governor by the assembly the powers and duties of the office devolve upon the lieutenant governor until the disability shall cease."

TERM IMPEACHMENT IS EXPLAINED

"The term 'impeachment' is used in this connection in its ordinary sense and means the presentation of charges. 'The assembly is not precluded from the exercise of its constitutional powers by the fact that at the time the legislature of which it forms a part is in session."

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MEXICO GIVES U. S. UNTIL MIDNIGHT TO RECOGNIZE HUERTA

Huerta Delivers Ultimatum to United States—Must Hang Head in Disgrace or Take Defiant Attitude, Say His Adherents—Washington Officials Puzzled

Mexico City, August 18.—The United States government has been given until midnight tonight by President Huerta to recognize Mexico, it is officially stated.

The government is not specific in the public announcement as to what course then will be pursued, but it is understood that it means the severing of all relations between the two countries.

Urrutia Makes Announcement

Senor Urrutia, minister of the interior, who on previous occasions has been the spokesman for the administration, was the person chosen tonight to make the announcement.

Senor Urrutia refused to give out the text of the correspondence between Mr. Lind and the Mexican government, but confirmed the fact that an exchange of notes had taken place. Two notes from Mexico have been sent to Washington. The first was a reply to that delivered by Mr. Lind. This note included the demand for recognition of Mexico.

The second note was sent direct to Washington and demanded that a reply to the previous note be made before midnight.

This is regarded here as an ultimatum.

One official in discussing this latter note said that Mexico had reached the point where she either must bow her head in humiliation before the United States or adopt an attitude of defiance. The first contingency, he added, was regarded as impossible.

Officials Puzzled

Washington, August 18.—Administration officials were puzzled late tonight when they received the announcement through press dispatches that Provisional President Huerta had delivered an ultimatum demanding recognition of his government in Mexico by the United States.

Secretary Tumulty, at the White House, read the Associated Press dispatch from Mexico City received shortly before midnight stating the intention of the Huerta government and immediately communicated to Secretary Bryan. President Wilson had retired early and was not awakened.

Secretary Bryan said he had received merely cablegrams announcing the rejection by the Huerta government of the American suggestions for a peaceful settlement. In the absence of official confirmation Secretary Bryan said no announcement would be made by this government.

HUERTA REJECTS THE PEACE PLAN OF PRESIDENT WILSON

Refuses to Act Upon Suggestions Made by Envoy Lind—Brooks no Interference

Mexico City, August 18.—Provisional President Huerta replying today to President Wilson's note, which was recently delivered to the Mexican government through former Governor John Lind, refuses mediation in the Mexican situation, or any similar suggestion made by a foreign government. Mr. Lind has forwarded General Huerta's answer to Washington and is more or less anxious to receive an expedited reply.

President Huerta in his reply told the United States that he would tolerate no interference, even though that interference might be characterized as friendly mediation. The character of the reply of Washington to President Huerta's note will determine the next action in the international drama.

REUSE TO ADMIT RECEIPT OF NOTE

All those connected with the American embassy refused to admit the receipt of the note, and that it had been sent was not admitted officially by the Mexican government. At the embassy there was an evident desire to appear optimistic and one was led to believe that Mr. Lind still hoped for a continuation of the negotiations. Those familiar with the workings of the Mexican administration expressed doubt as to whether the note would be received.

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FEDERAL OFFICIALS TAKE STEPS TO GAIN A POSTOFFICE SITE

Condemnation Proceedings Ordered By Treasury Department to Get Possession of Site—Building Will Cost \$1,000,000

Washington, August 18.—Condemnation proceedings were ordered today by the treasury department to get possession of a part of the proposed site for the new federal building at Birmingham.

The government already owns half of the site and has an option on 150 feet of the other half. In the middle is a lot with 50 foot frontage which is at too high a figure, and this the government wants condemned.

The proposed new building, with the site, will cost \$1,000,000.

The government at present owns a lot on the northwest corner of Nineteenth street and Fifth avenue fronting 100 feet on Nineteenth street and 250 feet on Fifth avenue. The government also has an option on the remainder of the frontage on the north side of Fifth avenue to Eighteenth street, with the exception of a 50 foot lot owned by Jonas Schwab. It is this lot against which condemnation proceedings will be instituted.

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WHEREABOUTS OF HARRY K. THAW MYSTERY TO POLICE OF UNITED STATES AND CANADA; WARRANT CHARGING CONSPIRACY IS ISSUED



ABSOLUTELY NO CHANCE TO KEEP THAW OFF THE PRONT PAGE

ATTENDANT TELLS OF THAW'S DASH TO GAIN LIBERTY

Howard Barnum Criticizes Laxness of Asylum Administration—Gives Privileges

Matteawan, N. Y., August 18.—Attending the Matteawan asylum for the insane of administration and maintaining that he is innocent of complicity with Harry K. Thaw in his plot to escape, Howard H. Barnum, for 17 years an asylum attendant made, a statement tonight giving in detail his movement when Thaw made his dash for liberty. Barnum is blamed by the asylum authorities for allowing Thaw to escape.

Barnum's statement was made through his attorney, Ferdinand A. Hoyt of Matteawan, after explaining that as keeper of the rear gate it was his duty to admit any person who had business at the hospital, continues:

"For some time Harry Thaw has been assigned by the superintendent as an assistant in the store room and it has been the custom for the keeper in charge to permit him at certain times in the day to exercise in the outer yard. This yard is surrounded by a high board fence, in which there is one gate and there is nothing but this fence between the yard and the road."

"They have been in the habit of allowing Thaw the liberty of this yard several days every week and his presence there is a usual occurrence."

Tells of Escape

Barnum then describes at length the manner in which Thaw dashed through the gate to the automobile waiting outside when the keeper admitted the milkman and the statement continues:

"Thaw has been given access to the yard and permitted at will to go to any part of it. I had nothing to do with regulating his movements and he was in the habit of going out to the gate when I opened and closed it, time and time again. He was given access to the yard by the storekeeper with the knowledge of Dr. Kim, the superintendent. 'None of the attendants is permitted under the rules to carry any fire-arms or weapons of any kind and the gate is so wide that it is impossible for any man guarding it to prevent a patient from darting out if he felt so disposed. From

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TODAY'S AGE-HERALD

- 1.—Whereabouts of Thaw still a mystery.
- 2.—Mexico gives United States until midnight to recognize Huerta.
- 3.—Glynn lawful governor, says attorney.
- 4.—Thirty meet death when vessel sinks.
- 5.—Start work to get postoffice site.
- 6.—Enis protests his innocence.
- 7.—Why do people persist in speeding?
- 8.—Editorial comment.
- 9.—Plan big time for north Alabama merchants.
- 10.—Ward defies Allen to come out into the open.
- 11.—Reduced rates on Central of Georgia suspended.
- 12.—Good roads association to meet in Mobile.
- 13.—Society.
- 14.—Tax hearings completed by board of revenue.
- 15.—Hobson bitter in denying words of governor.
- 16.—Markets.
- 17.—Dixie league may be forced to quit.

THIRTY MEET DEATH WHEN VESSEL SINKS IN ALASKAN WATERS

Pacific Coast Steamer Strikes Uncharted Rock and Sinks in Three Minutes—Passengers Imprisoned in Staterooms

Juneau, Alaska, August 18.—Twenty-five or more passengers and seven members of the crew of the Pacific Coast Steamship company's steamer State of California perished Sunday morning in Cambier bay, 90 miles south of Juneau, when the vessel struck an uncharted rock and sank in three minutes, with many passengers imprisoned in their staterooms.

The steamship left Seattle last Wednesday night for Skagway and way points. The purser lost all records and it is not possible to give a complete list of the missing.

Following is a list of the dead whose bodies have been recovered: Mrs. A. Burnbaum, Miss Stella Reardon, Mrs. Clara Vanderlass, Miss Lilla Ward, daughter of Edward C. Ward, assistant manager of the Pacific Coast Steamship company, died after being off a life raft. Mrs. Nellie B. Ward, mother of Miss Ward. Four unidentified women.

Following is an incomplete list of the missing who are believed to have perished: Miss Anne L. Cassidy, Miss May Dixon, W. A. Dwyer, Blanche Fridt, Minette Harlan, Leslie Bobro, manager of the Pacific Coast Steamship company's office in San Francisco; J. Holman, Miss Alice Johnson, Lillian B. Norman, Nick Pittulas, Miss Reardon, Mrs. C. E. Spithill and child, Ben A. Wade, Miss Wilson.

The uninjured survivors, crew and passengers are being taken to Seattle on the steamer Jefferson and will arrive there Thursday.

A great hole was torn in the bottom of the State of California. The vessel and cargo, mail and express, are a total loss. The ship was valued at \$400,000.

JEFFERSON TURNS BACK TO RESCUE

The steamship Jefferson, of the Alaska steamship line, southbound, heard the wireless call of the sinking vessel and turned back to rescue the survivors who had taken to small boats and life rafts. Ten of the passengers had suffered so severely from exposure that it was necessary to take them to a hospital in Juneau for treatment.

The State of California, an iron steamship of 2276 gross tons, was built at Philadelphia in 1879, and carried a crew of 75 men. For many years she had carried passengers between Puget Sound and San Francisco.

The wrecked vessel was commanded by Captain Thomas H. Cann, Jr., who had command of the steamship Valencia on her last trip from Seattle to San Francisco and who was transferred to another steamer when the Valencia reached that port, thus barely missing being on that ship when she went ashore at Cape Beale, B. C., January 22, 1906, with a loss of 137 lives.

The State of California was going at full speed when she struck the reef and a great portion of the ship's bottom was torn off, letting in a flood of water, which quickly engulfed the boat. Most of the passengers and members of the crew who perished were in their staterooms and there was not time to get them out before the boat went down.

The crew numbered 52 men, Captain Cann and 40 men are on the Jefferson

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Escaped Man Leaves No Trail Save Cloud of Dust In Wake of Black Machine

NOTHING TANGIBLE EXCEPT LACONIC LETTER TO MOTHER

Police of United States and Canada Baffled in Attempt to Locate Missing Man—Wild Rumors Unfounded

New York, August 18.—Sundown tonight marked the thirty-sixth hour of Harry K. Thaw's freedom and the police of the United States and Canada had not picked up his trail. They seek him not as the slayer of Stanford White, or escaped inmate, but on a warrant issued at Poughkeepsie today charging him with conspiring with the aged keeper, Howard Barnum, and the five men who managed the asylum delivery. On such a technicality does New York state base its hope of bringing about the fugitive's return. Both factions of the doublebarrelled government at Albany have promised rigid investigation and the exertion of every effort to bring about his capture.

Thaw's seclusion today and tonight was absolute. Out of the cloud of dust which swirled in the wake of the black automobile bearing him and his liberators from Matteawan Sunday morning nothing tangible had come except a laconic letter from Thaw himself assuring his aged mother in New York that he desired rest and would in due time join her at the Thaw country place, Elmhurst, at Cresson, Pa. In obedience to this plan, Mrs. Thaw proposes to start for Cresson tomorrow morning.

MOTHER OF THAW SUPREMELY HAPPY

Happy, girlish almost in her joy, Mrs. Thaw exhibited the hastily scrawled note from the son whose escapades have cost the family a million and added that whatever Harry did would come with her approval. This, in view of his announced intention of entering Pennsylvania, gave basis to the belief that Thaw was preparing to take his own life and the course of that state and relying on the link in American laws relative to the insane charged with no crime to oppose extradition and duplicate in Pennsylvania if possible the course of John Armstrong Chalmers in Virginia.

It was in anticipation of such a move that the New York authorities caused the warrant against Thaw to be issued. Conspiracy, according to the district attorney of Dutchess county, constitutes an extraditable offense.

PLANS FOR LEGAL FIGHT ALREADY LAID

Close friends of the family indicated tonight that the ground work of a legal fight in Pennsylvania had already been laid. Dr. Britton D. Evans, the alienist who testified in Thaw's behalf at the murder trials, held a telephone conference with Mrs. Thaw this afternoon, and it was said that he would accompany her to Pennsylvania tomorrow. There are to be conferences with counsel and meantime it understood Thaw is to remain in hiding.

Figuratively as well as literally, Thaw left behind him only a cloud of Dutchess county dust. Rumors of his passage, descriptions of black automobiles, tales of yacht Endymion, of George Lander, a distant relative of the Thaws by marriage, found mention in the crop of rumors. After having left Vineyard Haven, Mass., the crew was reported as cruising somewhere in the sound, possibly not far from South Norwalk, Conn., repeatedly mentioned as an objective point for Thaw had he cared to take to sea. Inquiry at the New York yacht club disclosed that the Endymion was a slop boat and attaches there scouted the idea that Thaw would have gone aboard.

TWO ROUTES OPEN TO HIM

While there was nothing to support the theory that Thaw had taken to the sea, this seemed to those who have followed the case to be the likeliest course. Leaving Matteawan, only two routes which did not double back into New York state lay open to him. One lay north by and to Canada, thence southwest along the border of the great lakes and across Lake Erie to a north jutting nubbin of Pennsylvania. The other lay south by and to the Chesapeake bay.

In view of the fact that the entrance into Canada might mean a clash with the immigration authorities there, the theory was advanced that Thaw's advisers would not have him take any such risk.

Dispatches from Ottawa, though, quoting no official, said that if Thaw halted within the Dominion he might be deported as an undesirable alien, although if he had a through ticket to Europe there would be no stopping him. The state authorities at Harrisburg, Pa., indicated that if he came within that state his case would be referred to the attorney general's office, provided New York asked for his extradition. The Philadelphia police said they would detain him if New York requested it. Connecticut took the view that he could be held there as an insane fugitive, but Massachusetts officials were inclined to think that nothing short of a

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TIRED LITTLE WOMAN A PITIFUL HEROINE

Leads Burro With Coffin Containing Body of Husband Into Camp—Walked for 24 Hours Without Halt to Grizzley Gulch

Grizzley Gulch, Cal., August 18.—A tired little woman leading a burro with a lopsided pack came down the mountain into this camp today and in a few minutes was transfigured into a pitiful heroine. Every man in Grizzley helped to undo the harness which fastened a plank coffin to the pack saddle and carry it into a house where the little woman cried her heart out over the body of her husband. Her name she

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